

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AMERICAN FEDERATION OF TEACHERS,
AFL-CIO d/b/a WASHINGTON STATE
NURSES ORGANIZATION PROJECT,
and/or AMERICAN FEDERATION OF
TEACHERS, AFL-CIO and WASHINGTON
STATE NURSES ORGANIZING PROJECT

and

Case 19-CA-190619

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 7901

**MOTION FOR EXTENSION OF TIME
TO FILE EXCEPTIONS AND SUPPORTING BRIEF
TO ADMINISTRATIVE LAW JUDGE'S DECISION**

Respondent, Washington State Nursing Organizing Project (WSNOP"), pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, requests that the current deadline of January 21, 2019 to file exceptions and supporting brief to the Administrative Law Judge's Decision in this matter is extended to February 20, 2019 for the following reasons:

1. This matter was tried before Administrative Law Judge Eleanor Laws on July 30, 2019.
2. On December 23, 2019, ALJ Laws issued her Decision and Recommended Order.
3. ALJ Laws relied on *Babcock and Wilcox Construction Co. Inc.*, 361 NLRB 1127, (2014).
4. Also on December 23, 2019, the NLRB issued *United Parcel Service Inc.*, 06-CA-143062, where the NLRB reversed *Babcock and Wilcox*. The reversal of *Babcock and Wilcox*, *supra*, was given retroactive effect.
5. Respondent is seeking an extension of time to file exceptions first because the Holidays fell within the time to file exceptions and additional time is necessary.

6. Second, Counsel for Respondent has had several deadlines and demands of time, which have necessitated additional time.
7. Third, additional time is necessary to conduct the necessary research and analyze the case at bar based on the standards applied after the reversal of *Babcock and Wilcox*, supra.
8. Counsel for the Respondent has conferred with Counsel for the General Counsel and Counsel for the Intervenor-Charging Party. All parties have agreed to the extension request.
9. This request is not made for the purpose of delay. It is made to ensure that the parties are able to devote adequate time and resources to prepare exceptions and a brief in support of exceptions in this matter.

CONCLUSION

For the reasons set forth above, Respondent WSNOP respectfully requests an extension of time, until February 20, 2019, to submit exceptions to the December 23, 2019 Decision and Recommended Order in the above referenced matter.

Respectfully Submitted,

MILLER COHEN, PLC

/s/Robert D. Fetter
Robert D. Fetter
7700 Second Avenue, Suite 335
Detroit, MI 48202
(313) 964-4454
rfetter@millercohen.com

Date: January 15, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Extension of Time to File Exceptions and Supporting Brief to Administrative Law Judge's Decision* and this *Certificate of Service* was served via email upon all counsel of record.

William R. Reinken, Esq.
Wreinken@cwa-union.org
Rosenblatt & Goschk PLLC
8085 E. Prentice Ave.
Greenwood Village, CO 80111-2705

Kristen White, Esq.
Kristin.white@nlrb.gov
Counsel for General Counsel
1220 SW 3rd Ave., Suite 605
Portland, OR 97204

Respectfully Submitted,

MILLER COHEN, PLC

/s/Robert D. Fetter
Robert D. Fetter
7700 Second Avenue, Suite 335
Detroit, MI 48202
(313) 964-4454
rfetter@millercohen.com

Date: January 15, 2020